

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

eSTAR LIGHTING, INC.,

Plaintiff,

v.

O'RYAN INDUSTRIES, INC.,

Defendant.

C06-1077Z

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Defendant's motion to strike the affidavit of Mark Olesiak, docket no. 64, is GRANTED. The affidavit does not state that it is based on personal knowledge. See Fed.R.Civ.P. 56(e).

(2) Plaintiff's motion for partial summary judgment, docket no. 59, is DENIED. The Court notes that even if the Olesiak affidavit was considered by the Court, there are material issues of fact that preclude partial summary judgment.

(3) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Filed and entered this 1st day of March, 2007.

BRUCE RIFKIN, Clerk

By s/ Claudia Hawney

Claudia Hawney
Deputy Clerk